

## **Rule 3070-1. Chapter 13 Payments.**

**(A) Commencement of Payments.** Payments to the chapter 13 trustee pursuant to the proposed plan, as may be amended, shall commence not later than 30 days after filing the petition. If the case was converted to a chapter 13 case, payments shall commence not later than 30 days after entry of the conversion order. Payments shall be made directly to the trustee in the manner prescribed by the trustee.

### **(B) Dismissal of Case for Failure to Timely Remit Payments.**

**(1) Dismissal at the Meeting of Creditors.** If, at the meeting of creditors, the debtor is not current in plan payments under the plan as originally filed, the chapter 13 trustee may submit a proposed order dismissing the debtor's chapter 13 case and the case may be dismissed without further notice or hearing. Dismissal shall be with prejudice to the debtor filing any bankruptcy case for a period of 180 days from entry of the order of dismissal.

### **(2) Dismissal Subsequent to Confirmation.**

**(a) Notice of Delinquency.** The trustee may, upon the debtor's failure to timely make any payment, serve a notice of delinquency upon the debtor and the debtor's attorney, along with a copy of this rule.

**(b) Deadline to Cure Delinquency.** The debtor shall have 45 days from the date of the notice of delinquency to make all payments due under the plan, including any payments that become due within the 45-day period. If applicable, the debtor may, within 15 days of the notice of delinquency, file a motion to modify the confirmed plan accompanied by the Local Form "Notice of Hearing" as required pursuant to Local Rule 9073-1.

**(c) Failure to Cure.** If the debtor is not current in plan payments on the 45<sup>th</sup> day after the date of the notice of delinquency, the trustee shall file and serve a report of noncompliance and the case shall be dismissed without further notice or hearing, with prejudice to the debtors filing any bankruptcy proceeding for a period of 180 days from entry of the order of dismissal. The court will not extend these deadlines absent extraordinary circumstances.

 2002 Amendment: Subdivision (B)(1) amended to incorporate AO 99-02 and AO 99-03.

**(C) Wage Deduction Orders.** A debtor who is not self-employed must submit a proposed Local Form "Agreed Order to Employer to Deduct and Remit and for Related Matters", accompanied by self addressed stamped envelopes for service of the order on the debtor, attorney for debtor, chapter 13 trustee and the employer named in the order, to the court prior to the § 341 meeting of creditors. The proposed order must be signed by the debtor and debtor's counsel and a

copy must be served on the chapter 13 trustee. If a wage deduction order has not been entered the court will conduct an evidentiary hearing to determine feasibility at the confirmation hearing. The court will not confirm a case without a wage deduction order in place, absent extenuating circumstances.

☞ 2002 Amendment: Subdivision (C) added to implement requirement of submission of Local Form “Agreed Order to Employer to Deduct and Remit and for Related Matters”.